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FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

2007 JUL 26 PM 2:58

CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

WILLIAM REX AKERS,	§	
	§	
Plaintiff,	§	**Civil Action No.**
	§	**4-07CV-436-Y**
v.	§	
	§	
LEVERAGEPOINT MEDIA CORP. d/b/a RX EDGE,	§	
	§	
	§	**JURY TRIAL DEMANDED**
Defendant.	§	

COMPLAINT AND JURY DEMAND

Plaintiff William Rex Akers, by and through the undersigned attorneys, hereby files this Complaint requesting damages and injunctive relief, upon personal knowledge as to his own acts and circumstances and upon information and belief as to the acts and circumstances of others, as follows:

NATURE OF ACTION

1. This is an action in which William Rex Akers ("**Akers**") seeks damages and injunctive relief under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*, for the infringement of United States Patent No. 6,112,182 ("**the '182 Patent**") resulting from the actions and conduct of Defendant LeveragePoint Media Corp. d/b/a Rx EDGE ("**Rx EDGE**"), as set forth herein.

THE PARTIES

2. Akers is an individual resident and citizen of the State of Texas. Akers resides in Tarrant County, Texas.

3. Rx EDGE is a Wisconsin corporation with its principal place of business located in Hoffman Estates, Illinois. Rx EDGE may be served with process by serving its registered agent, Thomas V. Bender, at the following address: 1645 Bergstrom Road, Neenah, Wisconsin 54956.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* and is being brought to redress the infringement of the '182 Patent owned by Akers. Accordingly, subject matter jurisdiction over this cause of action is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Through its infringement, Rx EDGE has done and is doing business in the State of Texas such that it is subject to personal jurisdiction in the State of Texas. Moreover, the exercise of personal jurisdiction over Rx EDGE would not offend traditional notions of fair play and substantial justice. Venue in this District is proper under 28 U.S.C. §§ 1391 and 1400.

COUNT 1

Infringement of U.S. Patent No. 6,112,182

6. Akers incorporates and re-alleges paragraphs 1-5 above as if set forth in their entirety.

7. The '182 Patent issued on August 29, 2000, is directed at a method and apparatus for the integrated management of pharmaceutical and healthcare services. Akers is the assignee and owner of the entire right, title, and interest in and to the '182 Patent. A copy of the '182 Patent is attached hereto as Exhibit A.

8. Rx EDGE is making, using, offering to sell, and selling products that infringe one or more claims of the '182 Patent, and is actively inducing others to use its products in a way that

infringes, or is actively contributing to others' infringement of one or more claims of the '182 Patent.

9. Rx EDGE has profited through its infringement of the claims of the '182 Patent. As a result of Rx EDGE's unlawful infringement of the '182 Patent, Akers has suffered and will continue to suffer damage.

10. Rx EDGE's acts of infringement herein have been made with full knowledge of Akers' rights in the '182 Patent. Such acts constitute willful infringement making this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, entitling Akers to enhanced damages and reasonable attorney's fees.

11. Rx EDGE intends to continue its unlawful infringing activity unless enjoined by this Court.

JURY DEMAND

12. Akers requests a trial by jury of all claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Akers prays that he have judgment against Rx EDGE for the following:

(1) A decree that United States Patent No. 6,112,182 is infringed by products made, offered for sale, sold, and/or used by Rx EDGE and its customers;

(2) A permanent injunction enjoining and restraining Rx EDGE and its agents, servants, employees, affiliates, divisions, subsidiaries, and those in association with them from making, using, or selling any product which falls within the scope of any claim of United States Patent No. 6,112,182;

(3) A permanent injunction enjoining and restraining Rx EDGE and its agents, servants, employees, affiliates, divisions, subsidiaries, and those in association with them from

making, using, or selling any product the intended or advertised use of which falls within the scope of any claim of United States Patent No. 6,112,182;

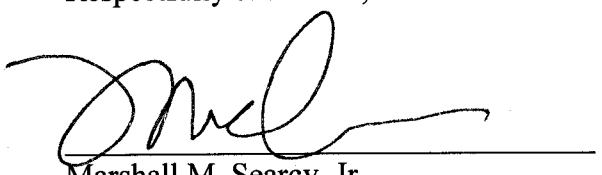
(4) An award of damages;

(5) An award of exemplary damages;

(6) An award of all costs of this action, including attorney's fees and interest; and

(7) Such other and further relief, at law or in equity, to which Akers may be justly entitled.

Respectfully submitted,



Marshall M. Searcy, Jr.
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KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
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ATTORNEYS FOR PLAINTIFF
WILLIAM REX AKERS

US006112182A

United States Patent [19]

Akers et al.

[11] Patent Number: 6,112,182

[45] Date of Patent: *Aug. 29, 2000

[54] METHOD AND APPARATUS FOR INTEGRATED MANAGEMENT OF PHARMACEUTICAL AND HEALTHCARE SERVICES

[75] Inventors: **William Rex Akers**, Colleyville; **Michael Wayne Paris**, Mansifield; **Teresa A. Strickland**, Springtown; **Deborah L. Jenkins Kilburn**, Fort Worth, all of Tex.

[73] Assignee: **Healthcare Computer Corporation**, Fort Worth, Tex.

[*] Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

[21] Appl. No.: **08/585,861**

[22] Filed: **Jan. 16, 1996**

[51] **Int. Cl.**[7] **G06F 17/60**

[52] **U.S. Cl.** **705/2**; 705/3; 707/104

[58] **Field of Search** 364/400; 705/2, 705/3, 4; 707/100, 104; 700/90

[56] **References Cited**

U.S. PATENT DOCUMENTS

4,723,212	2/1988	Mindrum et al.	705/14
4,910,672	3/1990	Off et al.	705/14
5,173,851	12/1992	Off et al.	705/14
5,519,607	5/1996	Tawil	705/2
5,550,734	8/1996	Tarter et al.	705/2
5,660,176	8/1997	Iliff	128/630
5,666,492	9/1997	Daniel et al.	705/3
5,737,539	4/1998	Edelson et al.	705/3
5,758,095	5/1998	Albaum et al.	705/2

OTHER PUBLICATIONS

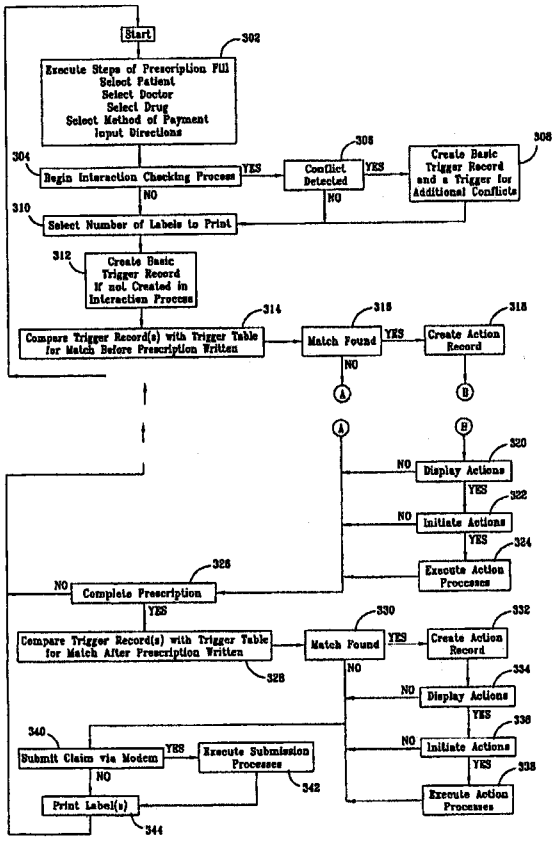
Healthcare Computer Corp., 1995, ALPHA-PC™ User Manual, pp. 1-1 to 14-16 GL-1 to GL-20.

Primary Examiner—Edward R. Cosimano
Attorney, Agent, or Firm—Carr & Storm, L.L.P.

[57] **ABSTRACT**

A computer-based pharmaceutical practice management system and a healthcare management system for use by a pharmacy includes a processes by which health conditions of a patient, drugs taken the patient and other information gathered by the pharmacist with the practice management system in connection with dispensing the will automatically initiate related actions handled by processes of the healthcare management system.

20 Claims, 13 Drawing Sheets



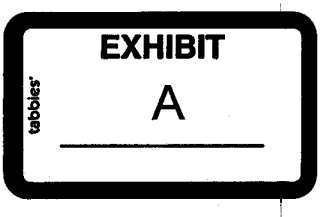


FIG. 1

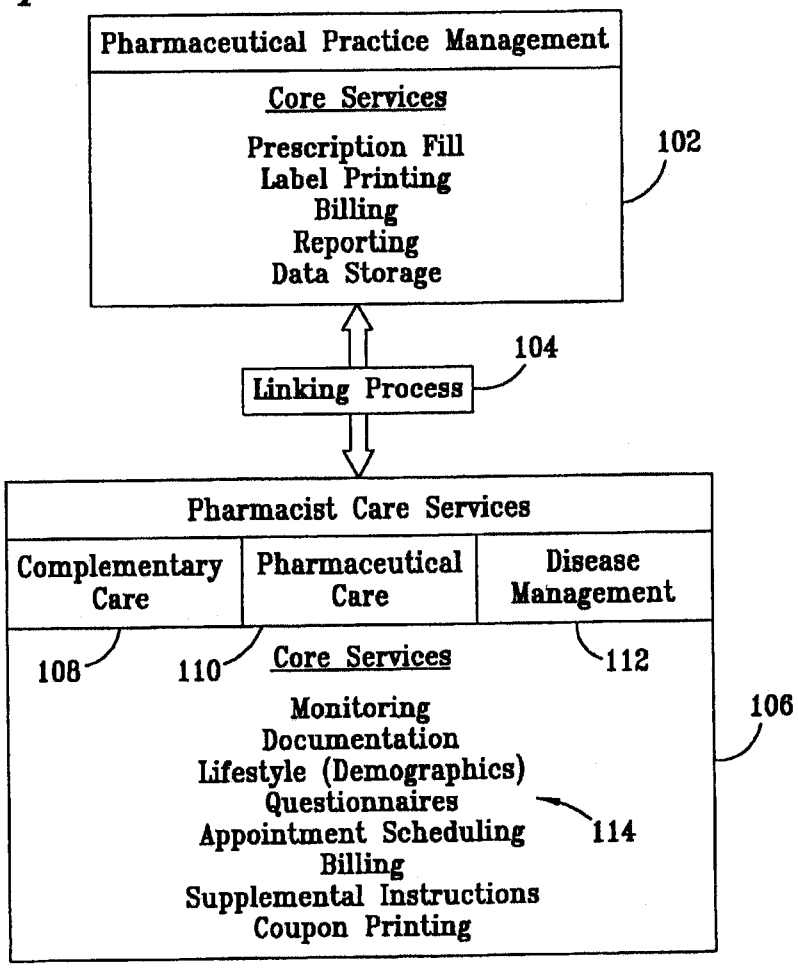
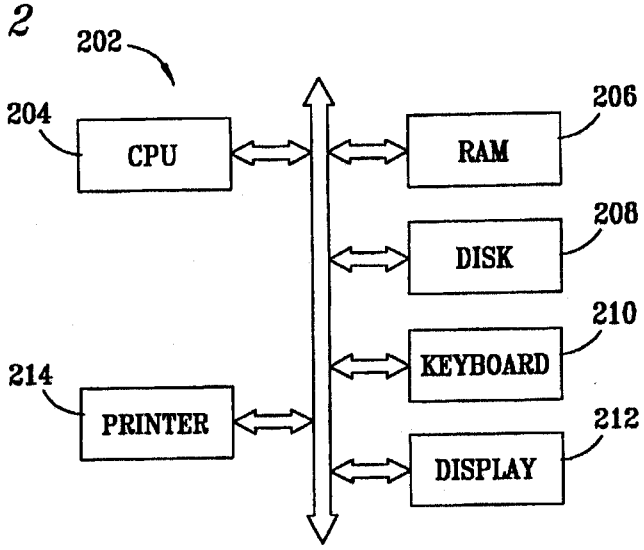

Pharmaceutical Practice Management
Core Services
Prescription Fill
Label Printing
Billing
Reporting
Data Storage
102
104
Linking Process
Pharmacist Care Services
Complementary Care
Pharmaceutical Care
Disease Management
108
110
Core Services
112
Monitoring
Documentation
Lifestyle (Demographics)
Questionnaires
Appointment Scheduling
Billing
Supplemental Instructions
Coupon Printing
114
106

FIG. 2


202
204
CPU
206
RAM
208
DISK
210
KEYBOARD
214
PRINTER
212
DISPLAY

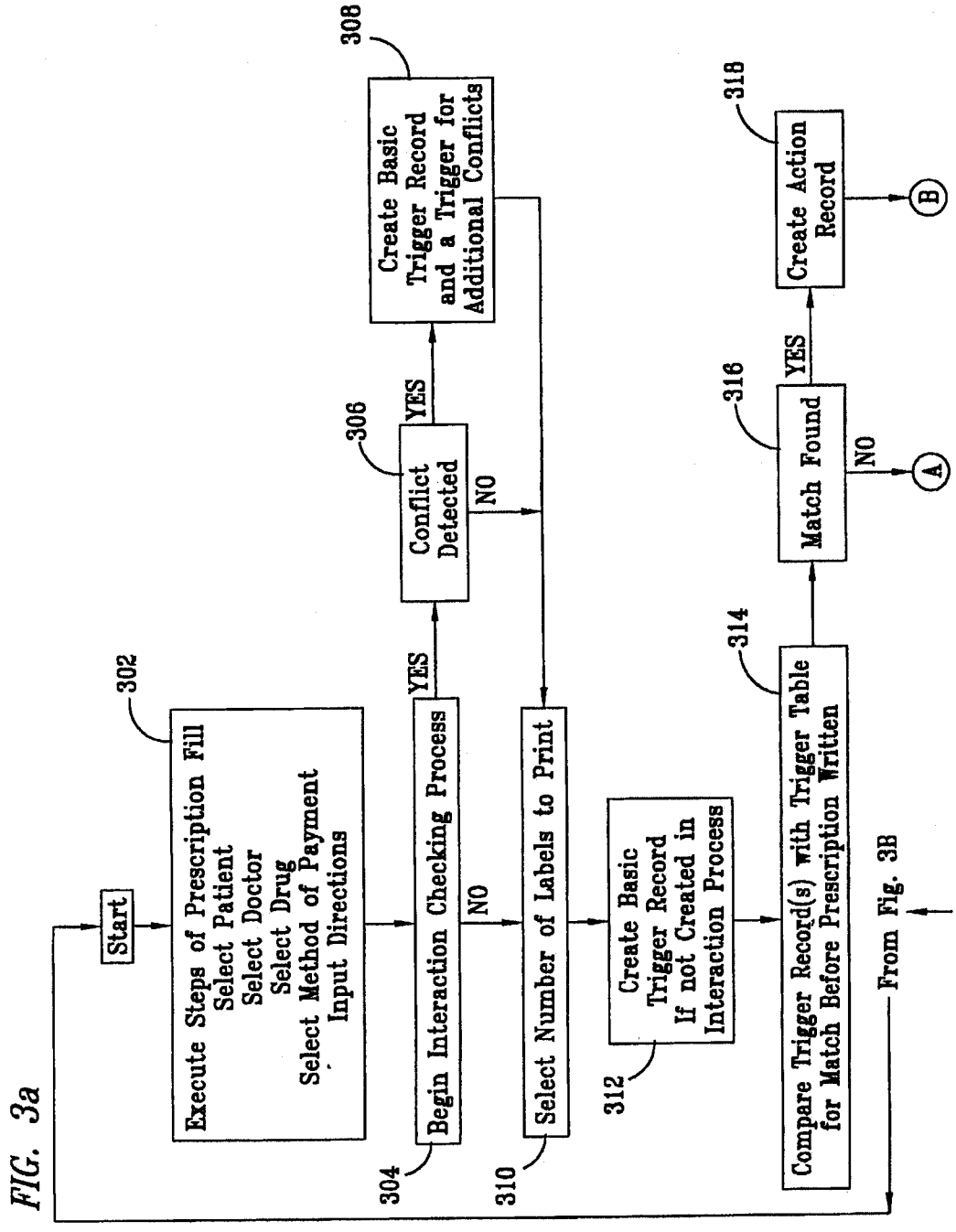

Start
302
Execute Steps of Prescription Fill
Select Patient
Select Doctor
Select Drug
Select Method of Payment
Input Directions
304
Begin Interaction Checking Process
YES
NO
306
Conflict Detected
YES
NO
308
Create Basic Trigger Record and a Trigger for Additional Conflicts
310
Select Number of Labels to Print
312
Create Basic Trigger Record If not Created in Interaction Process
314
Compare Trigger Record(s) with Trigger Table for Match Before Prescription Written
316
Match Found
YES
NO
318
Create Action Record
A
B
From Fig. 3B

FIG. 3a

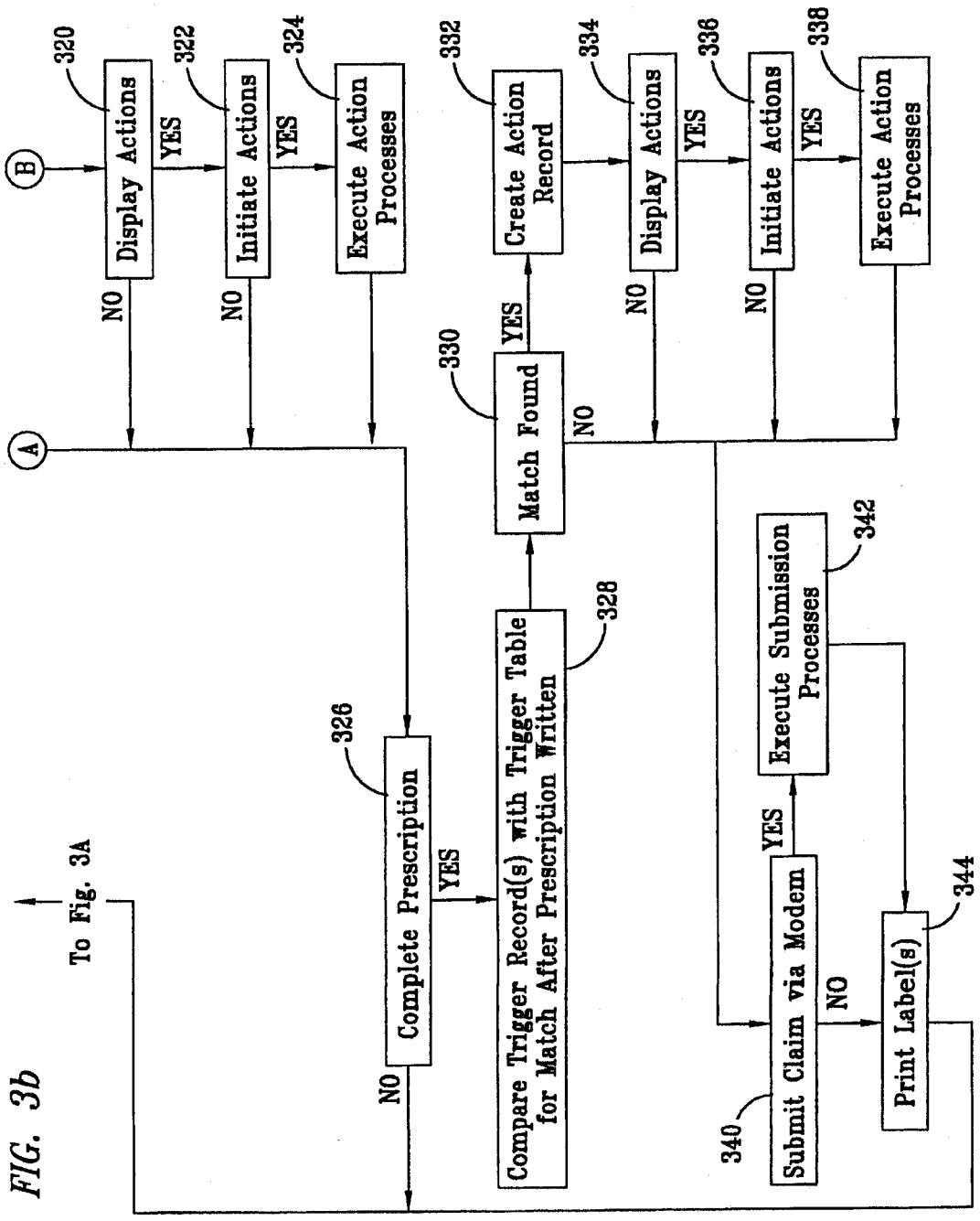

To Fig. 3A
A
B
320
Display Actions
YES
NO
322
Initiate Actions
YES
NO
324
Execute Action Processes
326
Complete Prescription
YES
NO
328
Compare Trigger Record(s) with Trigger Table for Match After Prescription Written
330
Match Found
YES
NO
332
Create Action Record
334
Display Actions
YES
NO
336
Initiate Actions
YES
NO
338
Execute Action Processes
340
Submit Claim via Modem
YES
NO
342
Execute Submission Processes
344
Print Label(s)

FIG. 3b

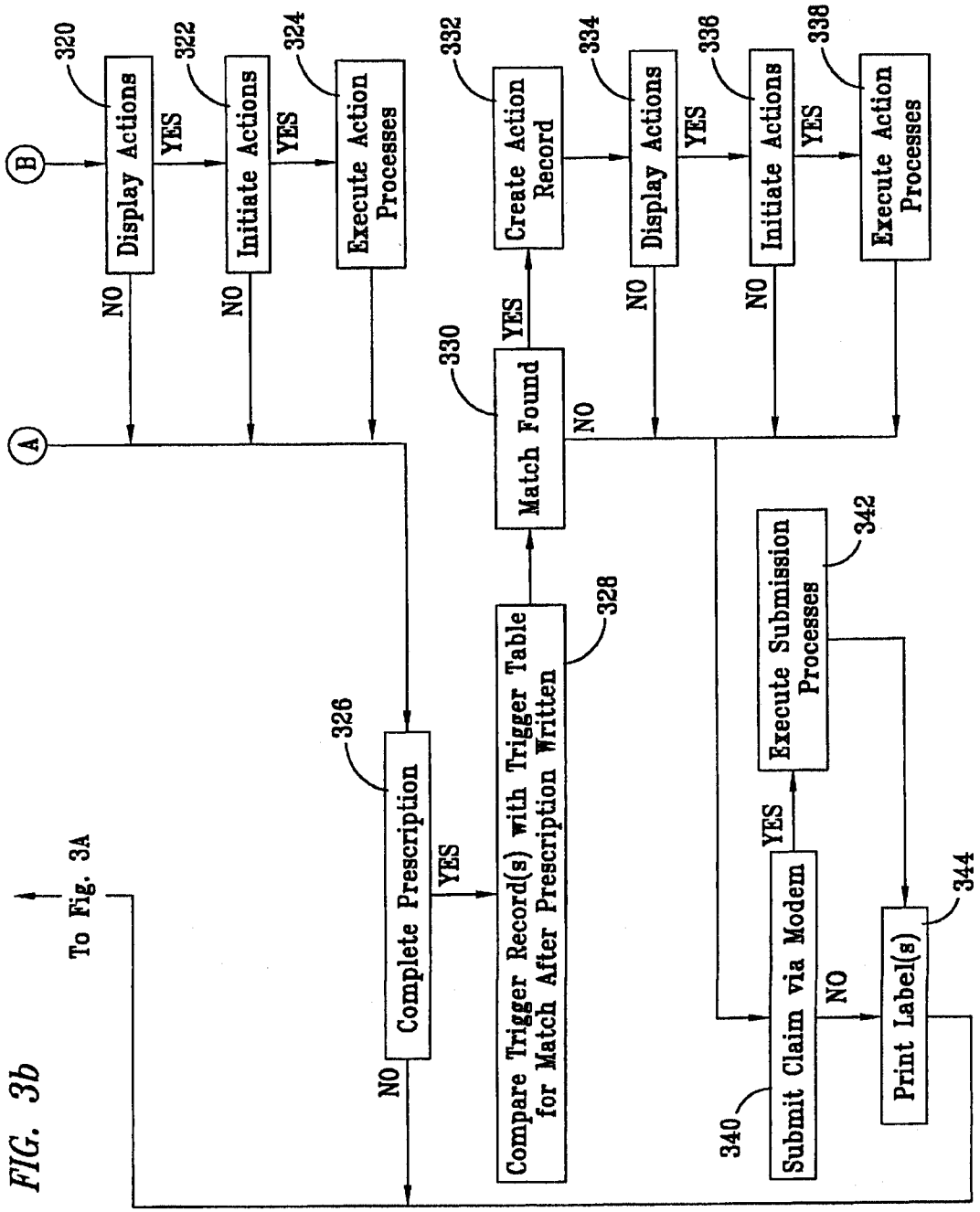
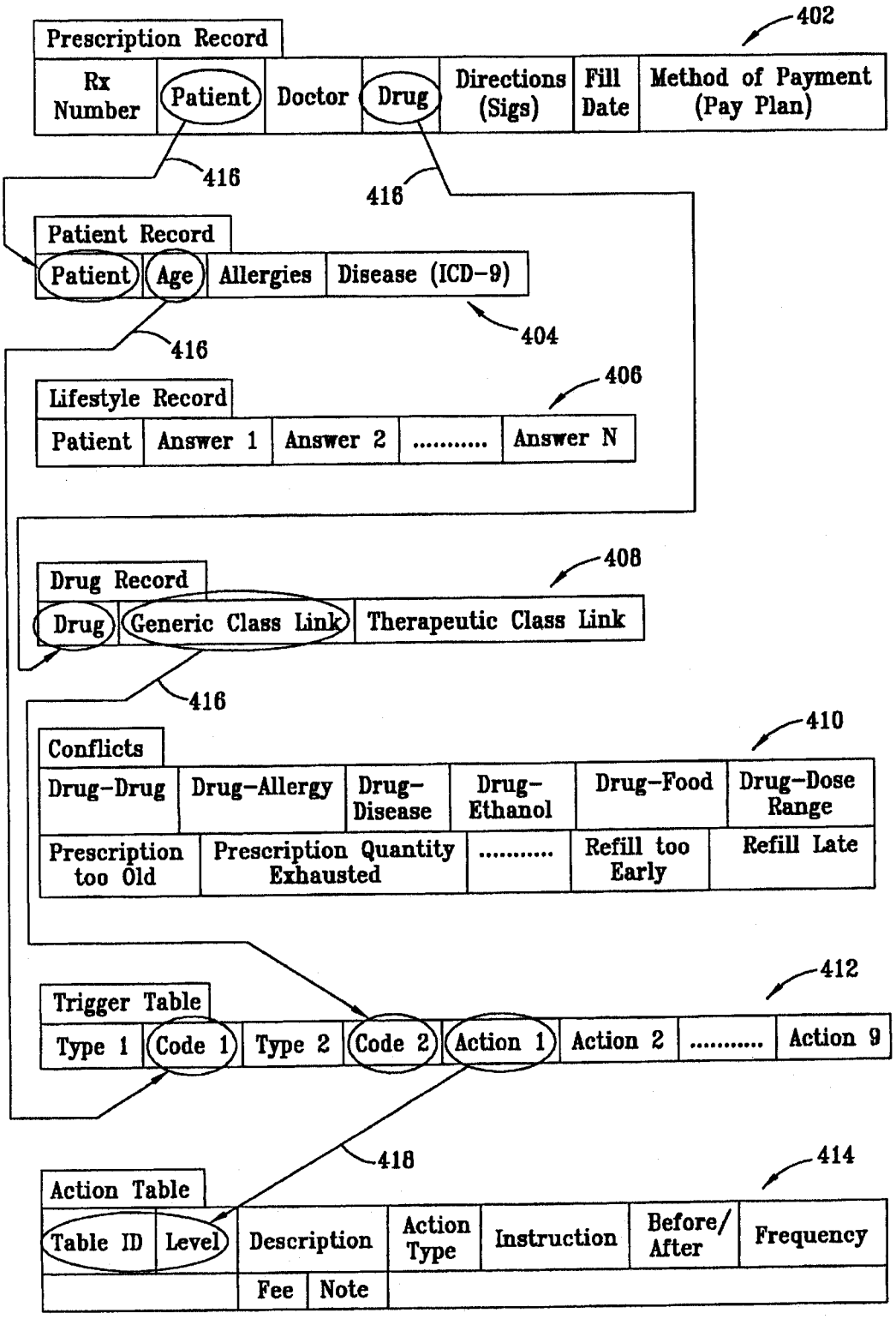

To Fig. 3A
B
A
320
Display Actions
YES
NO
322
Initiate Actions
YES
NO
324
Execute Action Processes
326
Complete Prescription
YES
NO
328
Compare Trigger Record(s) with Trigger Table for Match After Prescription Written
330
Match Found
YES
NO
332
Create Action Record
334
Display Actions
YES
NO
336
Initiate Actions
YES
NO
338
Execute Action Processes
340
Submit Claim via Modem
YES
NO
342
Execute Submission Processes
344
Print Label(s)

FIG. 3b

FIG. 4


Prescription Record
402
Rx Number
Patient
Doctor
Drug
Directions (Sigs)
Fill Date
Method of Payment (Pay Plan)
416
416
Patient Record
Patient
Age
Allergies
Disease (ICD-9)
404
416
Lifestyle Record
406
Patient
Answer 1
Answer 2
.....
Answer N
Drug Record
408
Drug
Generic Class Link
Therapeutic Class Link
416
Conflicts
410
Drug-Drug
Drug-Allergy
Drug-Disease
Drug-Ethanol
Drug-Food
Drug-Dose Range
Prescription too Old
Prescription Quantity Exhausted
.....
Refill too Early
Refill Late
Trigger Table
412
Type 1
Code 1
Type 2
Code 2
Action 1
Action 2
.....
Action 9
418
Action Table
414
Table ID
Level
Description
Action Type
Instruction
Before/ After
Frequency
Fee
Note

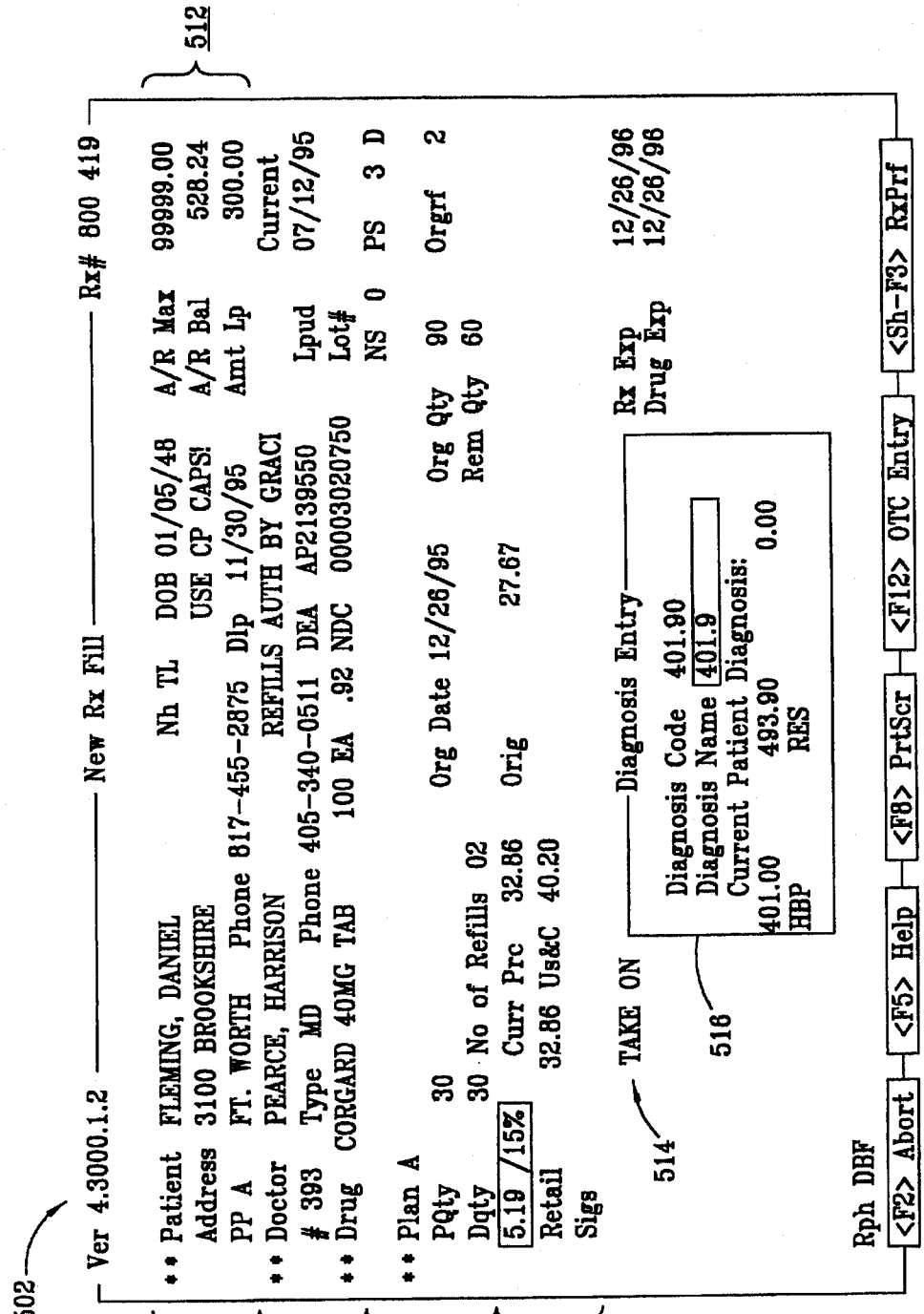

Ver 4.3000.1.2
New Rx Fill
Rx# 800 419
** Patient FLEMING, DANIEL Nh TL DOB 01/05/48 A/R Max 99999.00
Address 3100 BROOKSHIRE USE CP CAPS! A/R Bal 528.24
PP A FT. WORTH Phone 817-455-2875 Dlp 11/30/95 Amt Lp 300.00
** Doctor PEARCE, HARRISON REFILLS AUTH BY GRACI Current
# 393 Type MD Phone 405-340-0511 DEA AP2139550 Lpud 07/12/95
** Drug CORGARD 40MG TAB 100 EA .92 NDC 00003020750 Lot# NS 0 PS 3 D
** Plan A
PQty 30 Org Date 12/26/95 Org Qty 90 Orgrf 2
Dqty 30 No of Refills 02 Rem Qty 60
5.19 /15% Curr Prc 32.86 Orig 27.67
Retail 32.86 Us&C 40.20
Sigs
TAKE ON
Diagnosis Entry
Diagnosis Code 401.90
Diagnosis Name 401.9
Current Patient Diagnosis:
401.00 493.90 0.00
HBP RES
Rx Exp 12/26/96
Drug Exp 12/28/96
Rph DBF
<F2> Abort
<F5> Help
<F8> PrtScr
<F12> OTC Entry
<Sh-F3> RxPrf
502
504
506
508
510
512
514
516

FIG. 5a

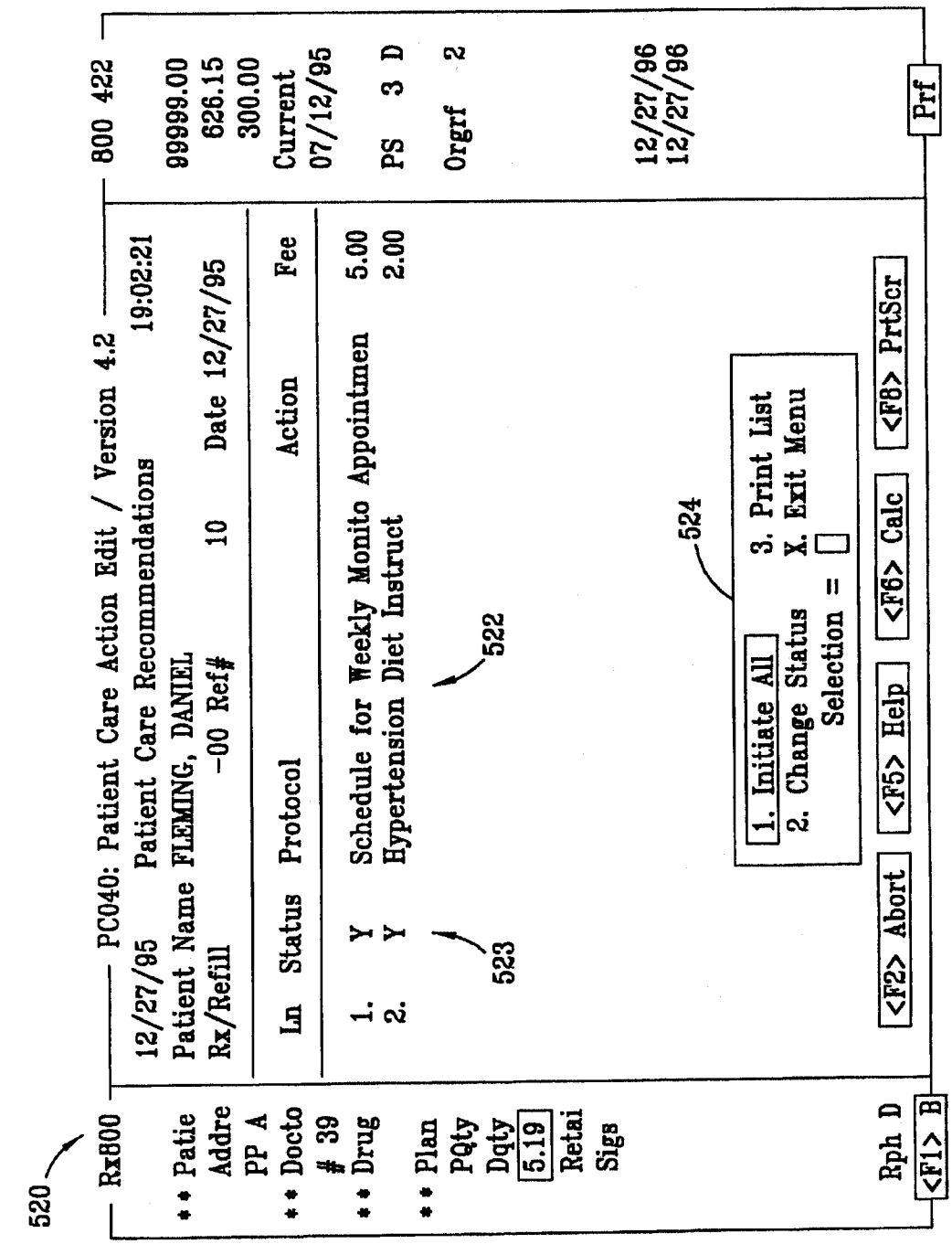

520
Rx800
PC040: Patient Care Action Edit / Version 4.2
800 422
12/27/95 Patient Care Recommendations 19:02:21
Patient Name FLEMING, DANIEL
Rx/Refill -00 Ref# 10 Date 12/27/95
Ln Status Protocol Action Fee
1. Y Schedule for Weekly Monito Appointmen 5.00
2. Y Hypertension Diet Instruct 2.00
99999.00
626.15
300.00
Current
07/12/95
PS 3 D
Orgrf 2
12/27/96
12/27/96
** Patie
Addre
PP A
** Docto
# 39
** Drug
** Plan
PQty
Dqty
5.19
Retai
Sigs
522
523
524
1. Initiate All
2. Change Status
3. Print List
X. Exit Menu
Selection =
Rph D
<F1> B
<F2> Abort
<F5> Help
<F6> Calc
<F8> PrtScr
Prf

FIG. 5b

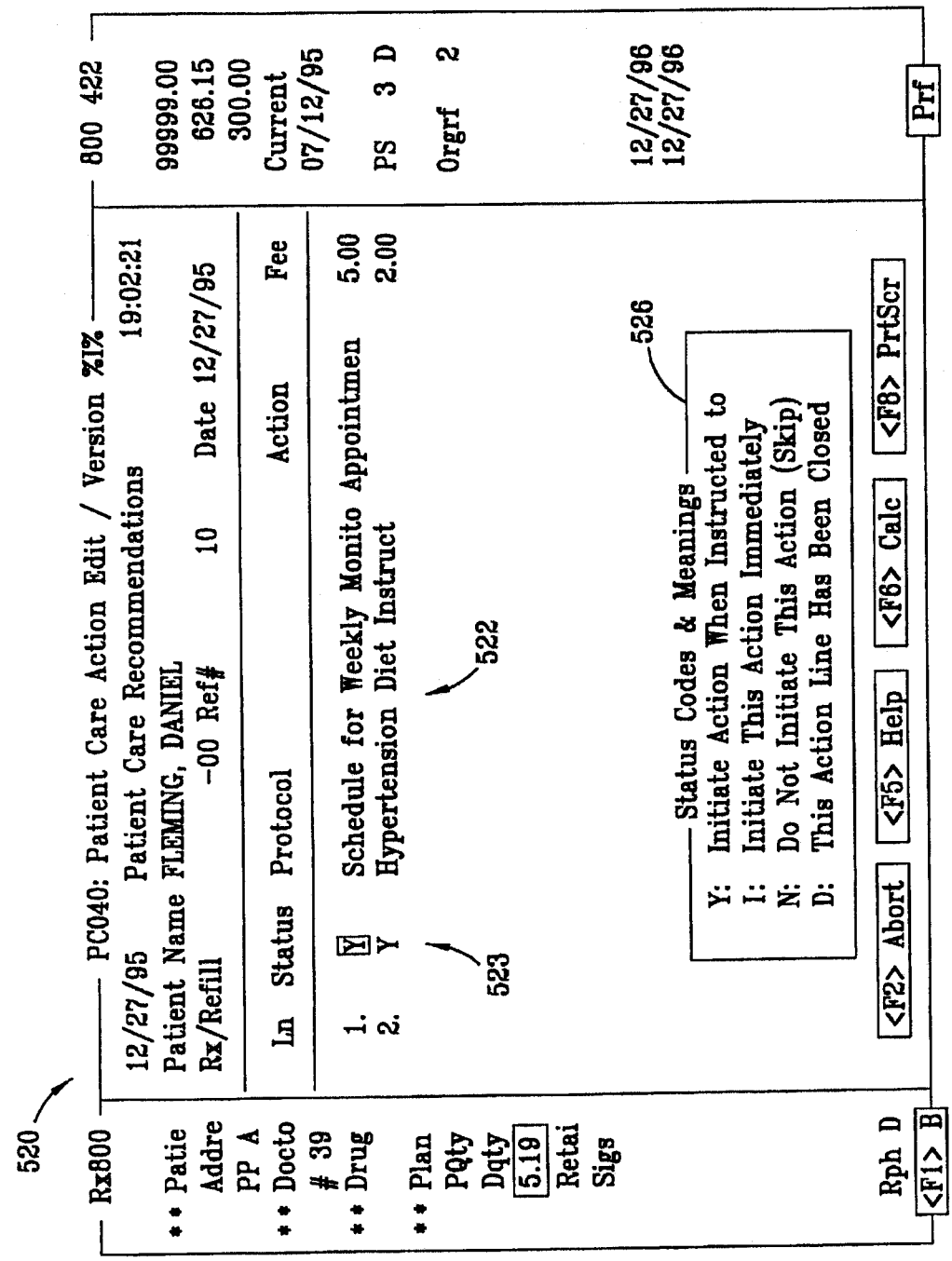

520
Rx800
PC040: Patient Care Action Edit / Version %1%
800 422
12/27/95 Patient Care Recommendations 19:02:21
Patient Name FLEMING, DANIEL
Rx/Refill -00 Ref# 10 Date 12/27/95
99999.00
626.15
300.00
Current
07/12/95
PS 3 D
Orgrf 2
12/27/96
12/27/96
Ln Status Protocol Action Fee
1. Y Schedule for Weekly Monito Appointmen 5.00
2. Y Hypertension Diet Instruct 2.00
522
523
526
Status Codes & Meanings
Y: Initiate Action When Instructed to
I: Initiate This Action Immediately
N: Do Not Initiate This Action (Skip)
D: This Action Line Has Been Closed
** Patie
Addre
PP A
** Docto
# 39
** Drug
** Plan
PQty
Dqty
5.19
Retai
Sigs
Rph D
<F1> B
<F2> Abort
<F5> Help
<F6> Calc
<F8> PrtScr
Prf

FIG. 5c

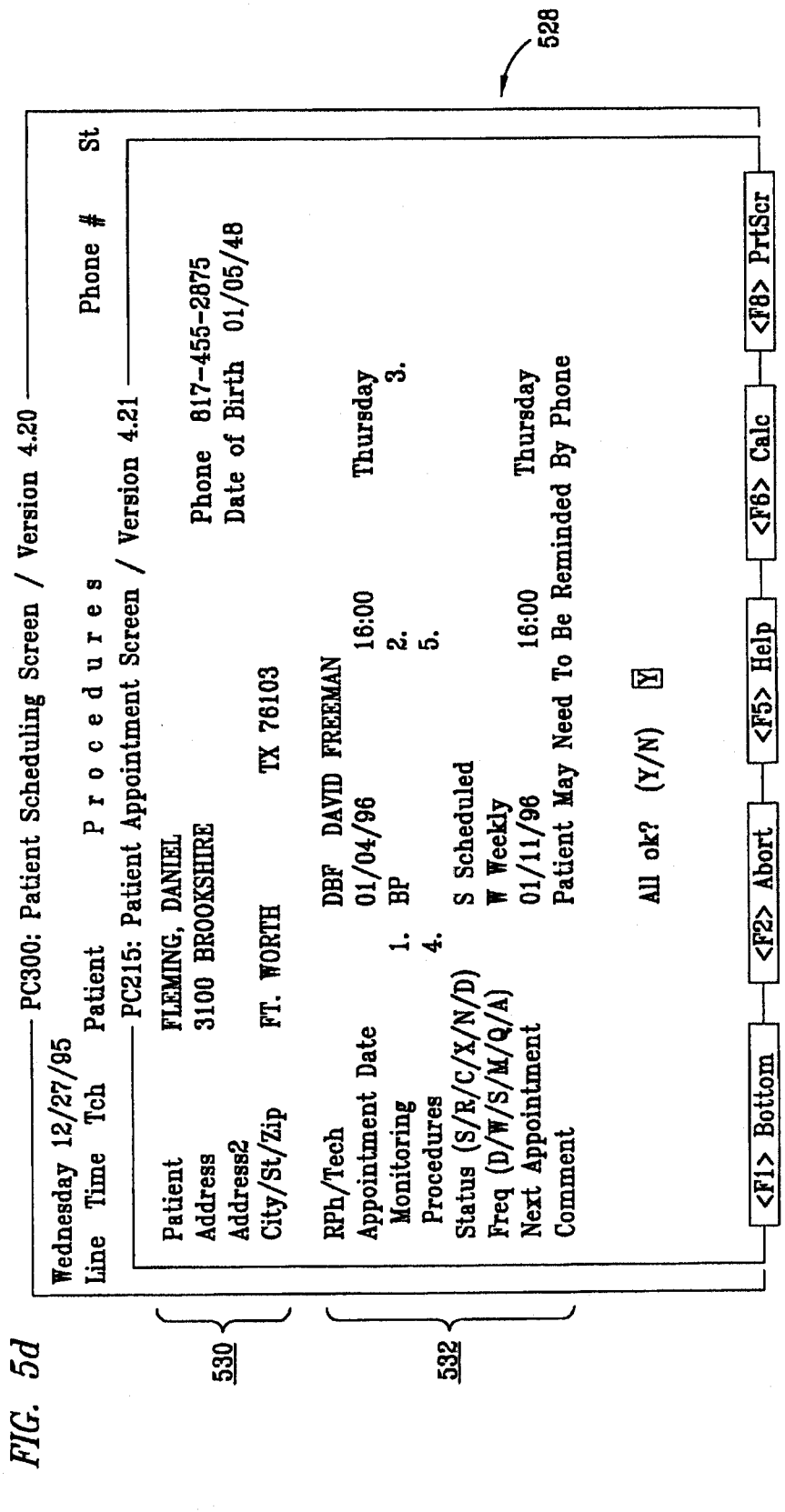

528
PC300: Patient Scheduling Screen / Version 4.20
Wednesday 12/27/95
Line Time Tch Patient
P r o c e d u r e s
Phone # St
PC215: Patient Appointment Screen / Version 4.21
Patient FLEMING, DANIEL
Address 3100 BROOKSHIRE
Address2
City/St/Zip FT. WORTH TX 76103
Phone 817-455-2875
Date of Birth 01/05/48
530
RPh/Tech DBF DAVID FREEMAN
Appointment Date 01/04/96 16:00 Thursday
Monitoring 1. BP 2. 3.
Procedures 4. 5.
Status (S/R/C/X/N/D) S Scheduled
Freq (D/W/S/M/Q/A) W Weekly 01/11/96 16:00 Thursday
Next Appointment
Comment Patient May Need To Be Reminded By Phone
532
All ok? (Y/N) Y
<F1> Bottom
<F2> Abort
<F5> Help
<F6> Calc
<F8> PrtScr

FIG. 5d

FIG. 6a

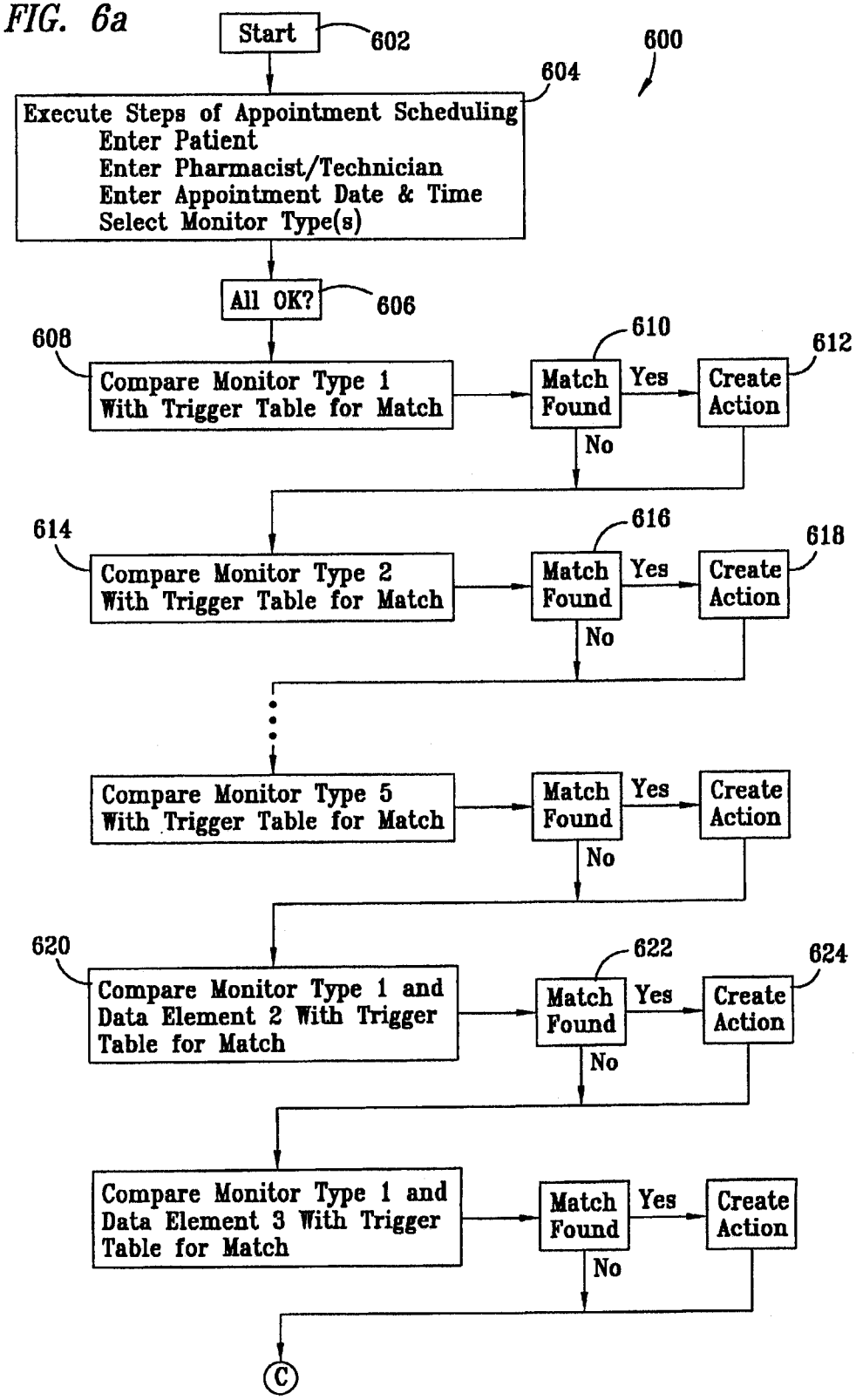

Start
602
600
604
Execute Steps of Appointment Scheduling
Enter Patient
Enter Pharmacist/Technician
Enter Appointment Date & Time
Select Monitor Type(s)
All OK?
606
608
Compare Monitor Type 1 With Trigger Table for Match
610
Match Found
Yes
Create Action
612
No
614
Compare Monitor Type 2 With Trigger Table for Match
616
Match Found
Yes
Create Action
618
No
Compare Monitor Type 5 With Trigger Table for Match
Match Found
Yes
Create Action
No
620
Compare Monitor Type 1 and Data Element 2 With Trigger Table for Match
622
Match Found
Yes
Create Action
624
No
Compare Monitor Type 1 and Data Element 3 With Trigger Table for Match
Match Found
Yes
Create Action
No
C

FIG. 6b

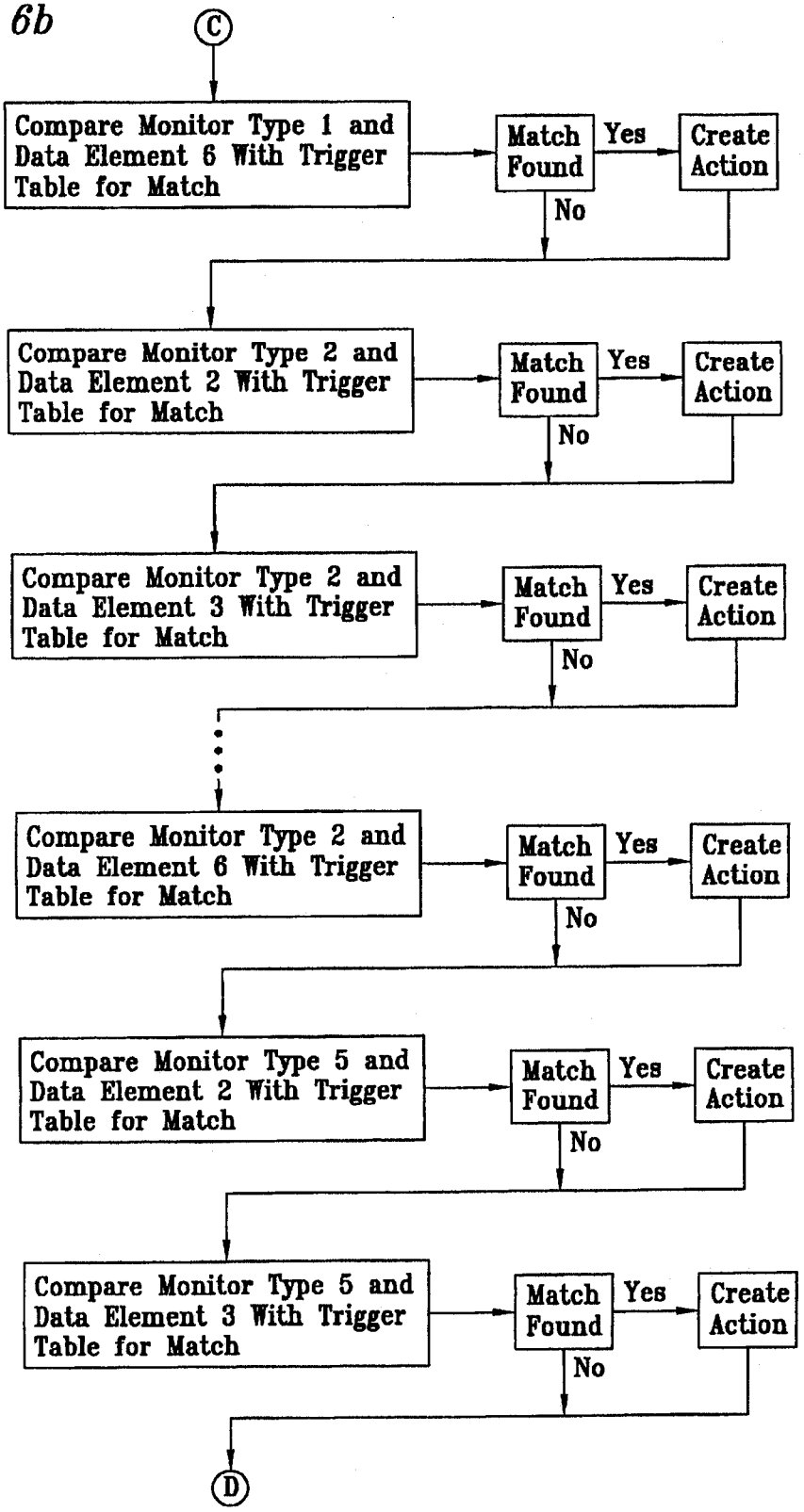

C
Compare Monitor Type 1 and Data Element 6 With Trigger Table for Match
Match Found
Yes
Create Action
No
Compare Monitor Type 2 and Data Element 2 With Trigger Table for Match
Match Found
Yes
Create Action
No
Compare Monitor Type 2 and Data Element 3 With Trigger Table for Match
Match Found
Yes
Create Action
No
Compare Monitor Type 2 and Data Element 6 With Trigger Table for Match
Match Found
Yes
Create Action
No
Compare Monitor Type 5 and Data Element 2 With Trigger Table for Match
Match Found
Yes
Create Action
No
Compare Monitor Type 5 and Data Element 3 With Trigger Table for Match
Match Found
Yes
Create Action
No
D

FIG. 6c

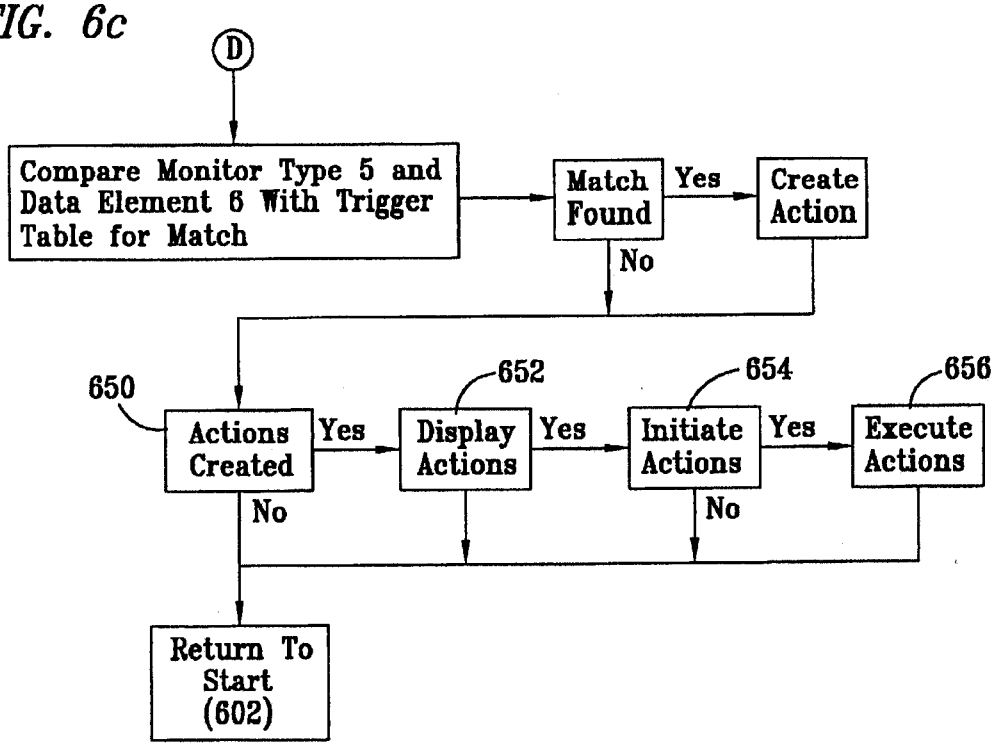
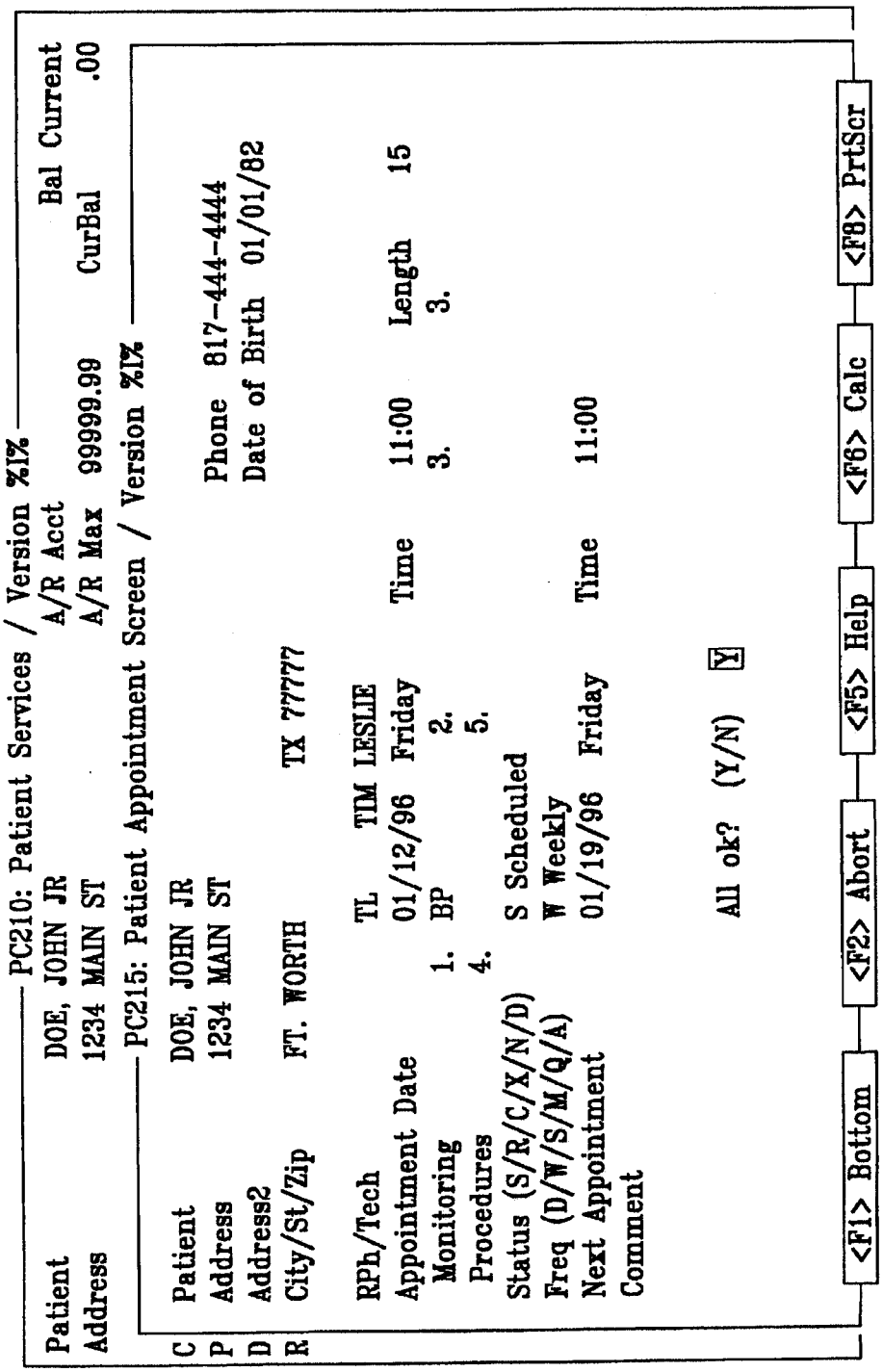

D
Compare Monitor Type 5 and Data Element 6 With Trigger Table for Match
Match Found
Yes
Create Action
No
650
Actions Created
Yes
652
Display Actions
Yes
654
Initiate Actions
Yes
656
Execute Actions
No
No
Return To Start (602)

FIG. 7a


PC210: Patient Services / Version %I%
Patient DOE, JOHN JR
Address 1234 MAIN ST
A/R Acct
A/R Max 99999.99
CurBal
Bal Current
.00
PC215: Patient Appointment Screen / Version %I%
C Patient DOE, JOHN JR
P Address 1234 MAIN ST
D Address2
R City/St/Zip FT. WORTH TX 77777
Phone 817-444-4444
Date of Birth 01/01/82
RPh/Tech TL TIM LESLIE
Appointment Date 01/12/96 Friday Time 11:00 Length 15
Monitoring 1. BP 2. 3. 3.
Procedures 4. 5.
Status (S/R/C/X/N/D) S Scheduled
Freq (D/W/S/M/Q/A) W Weekly
Next Appointment 01/19/96 Friday Time 11:00
Comment
All ok? (Y/N) Y
<F1> Bottom
<F2> Abort
<F5> Help
<F6> Calc
<F8> PrtScr

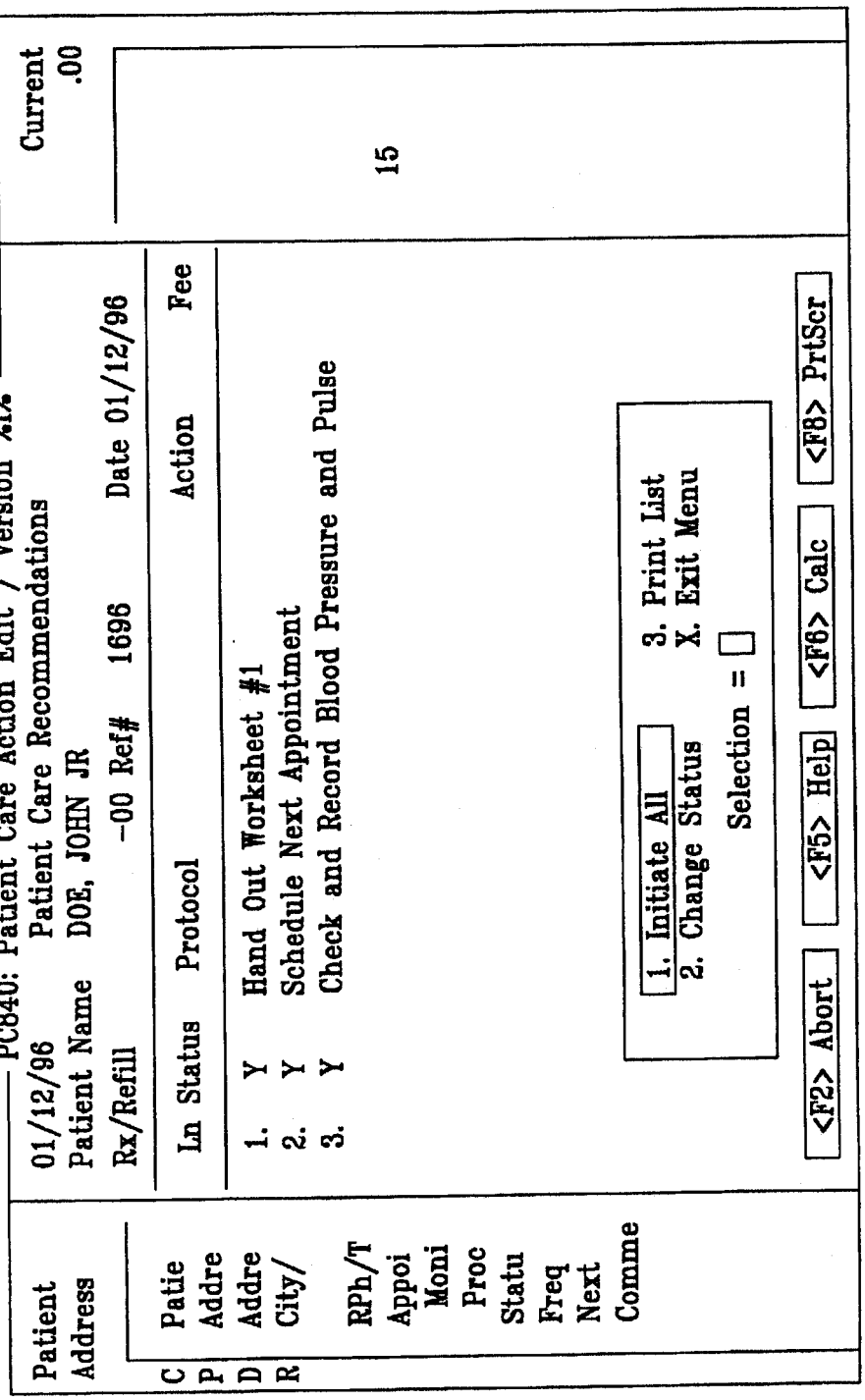

PC840: Patient Care Action Edit / Version %I%
Patient Address
01/12/96 Patient Care Recommendations
Patient Name DOE, JOHN JR
Rx/Refill -00 Ref# 1696 Date 01/12/96
Current .00
C Patie
P Addre
D Addre
R City/
RPh/T
Appoi
Moni
Proc
Statu
Freq
Next
Comme
Ln Status Protocol Action Fee
1. Y Hand Out Worksheet #1
2. Y Schedule Next Appointment
3. Y Check and Record Blood Pressure and Pulse
15
1. Initiate All
2. Change Status
3. Print List
X. Exit Menu
Selection =
<F2> Abort
<F5> Help
<F6> Calc
<F8> PrtScr

FIG. 7b

METHOD AND APPARATUS FOR INTEGRATED MANAGEMENT OF PHARMACEUTICAL AND HEALTHCARE SERVICES

FIELD OF THE INVENTION

The invention pertains generally to data processing systems and more particularly to data processing systems used to manage delivery of healthcare services.

BACKGROUND OF THE INVENTION

A current trend in medical care is the increasing use of healthcare-related services which are rendered outside the direct supervision of a doctor. Such services may relate directly to a disease, illness or other medical condition of the patient, to drugs or other therapies prescribed for the patient, or to lifestyle or behavior changes intended to benefit the health of the patient. Such services are numerous and diverse. Briefly, examples of such services include developing and implementing therapeutic protocols, implementing strategies to utilize drug therapies, and monitoring health, lifestyle and disease states and conditions, all with the goal of efficiently and effectively enhancing or improving a patient's quality of life and effectively managing healthcare costs. A variety of computer programs have been used for developing protocols, programs and strategies, and monitoring progress in connection with delivery of these services.

Doctors may recommend to their patients to seek out these services. However, doctors may be unaware or not financially motivated or sufficiently interested in providing or recommending the services. Furthermore, doctors are often not in a position to follow up with a patient to ensure that the patient has sought these services, especially when the patient does not see the doctor on a frequent basis. Due to a lack of medical or other professional health training, a patient may be unaware of such services. The patient may also be unable to identify appropriate services, or feel comfortable that he or she has selected an appropriate service. Thus, a patient may often not timely receive the benefit of appropriate supplemental healthcare services.

SUMMARY OF THE INVENTION

To better enable patients to utilize supplemental healthcare services which are not necessarily rendered under the immediate supervision of a doctor, the invention provides for a computer-based apparatus and process by which a care service or other healthcare related action appropriate for a particular individual or patient is identified, initiated and/or provided through use of a second data process.

According to one aspect of the invention, a computer based process used to manage dispensing of drugs at a pharmacy triggers a pharmacist or other user to take a further patient care action managed by a second computer process in response to predefined data items used in connection with the transaction. During such a process, data for the patient, doctor, drug, and disease states for the patient, for example, will be recorded or used during the transaction. A user-defined, preprogrammed trigger associated with one or more data items used in connection with a prescription dispensing transaction causes at least one patient care action to be listed in a queue for subsequent review and/or action based on patient's health state. The action is used to initiate a process for managing a care service process provided by a pharmacist or technician. For example, such care process could include scheduling an appointment for monitoring lifestyle, health or disease states or conditions, printing information on the dispensed drug, initiating a lifestyle monitoring process designed to improve the health of the patient, recording an intervention, performing patient counselling and performing a subjective, objective, assessment and planning (S.O.A.P.) protocol in connection with drug therapies. Care processes may also include, for example, printing a claim form or submitting a claim to an insurance company, printing coupons or other information for complementary or alternative drugs and issuing a rebate for the drug.

The advantages of such an apparatus and process are that appropriate patient healthcare services may be automatically identified during dispensing of a pharmaceutical. The pharmaceutical drugs are often prescribed by a doctor. In many cases, a pharmacist will have kept a database of information of current medications and diseases and states of the patient being treated by the drugs. Thus, the appropriateness of the indicated healthcare service is more greatly assured. In many cases, the patient will typically have at least one contact with the pharmacist, and often more frequent contact than with other healthcare related providers. Consequently, a patient is more likely to receive appropriate information about and delivery of these healthcare services.

According to other aspects of the invention, information provided by a patient concerning the patient's lifestyle and health history may be used in combination with information about the patient gathered or recorded in connection with dispensing pharmaceutical drugs in order to initiate a healthcare related service appropriate for the patient.

These and other aspects and advantages of the invention are illustrated by an embodiment described below in reference to the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. **1** is a schematic diagram of pharmacy practice management system, linking process, and pharmacy care management system for performing data processing functions according to the present invention.

FIG. **2** is a schematic of a representative computer capable of being specially programmed to execute processes for the pharmacy practice management system, linking process, and a pharmacy care management system of FIG. **1**.

FIGS. **3***a* and **3***b* is a flow diagram illustrating a linking process between a prescription processing function in a pharmacy practice management system and a patient care service process for automatically executing a patient care process.

FIG. **4** represents the data structures of records and tables kept by a pharmacy practice management system for use in a linking process illustrated by FIG. **3**.

FIGS. **5***a*–**5***d* are representative screens displayed in connection with the process illustrated by FIGS. **3***a* and **3***b*.

FIGS. **6**A–**6**C is a flow diagram illustrating a representative process of a pharmacy care management system for scheduling appointments for monitoring patients and linking other patient care actions to the appointment scheduling for automatic execution.

FIGS. **7***a*–**7***b* are representative screens displayed in connection with the process illustrated by FIGS. **6**A–**6**C.

DESCRIPTION OF PREFERRED EMBODIMENT

FIG. **1** is a schematic representation of a pharmacy practice management process **102**, a linking process **104** and a pharmacist care service management system **106**. The

system **102** and **106**, and the linking process **104**, are carried by a data processing system or machine such as a specially programmed computer **202** shown in FIG. **2**. Computer **202** is typically located in a pharmacy, at or near a point of sale. It can take the form of any sort of computer, including an IBM compatible personal computer with a **486** or better microprocessor running DOS and **8** megabytes of random access memory (RAM). Typically, it includes a CPU **204** for executing instructions stored in program files; a working memory **206** such as RAM for use by the CPU in temporarily storing program and data files; a nonvolatile memory **208** such as a hard disk drive and/or removable magnetic disk drive for permanently storing data, text and program files; a keyboard **210** and/or other means for entering data; a video display **212** for visual information; and a printer **214**. Additional input/output devices can be included for reading and storing files and for communication. No particular type hardware or software platform is required for carrying out the invention, so long as it is capable of executing the processes herein described. Alternately, in place of computer **202**, the systems **102** and **106**, and process **104** can be programmed for execution on network of computers, such as on a host or server computer which executes the programs and/or stores data files and communicates with client computers at or near the point of sale. Also, the processes can be integrated with processes used in recording point of sale transactions, inventory control, accounting and other functions for a pharmacy.

Referring back to FIG. **1**, pharmacy practice management system **102** executes several known processes when running on computer **202**. One example of a commercial pharmacy practice management system is software for running on an IBM standard computer sold under the trademark ALPHA-PC™ Practice Management System by Healthcare Computer Corporation of Fort Worth, Tex. This system is distributed as executable program files and linked libraries on magnetic media such as diskettes. A user loads this system onto computer **202**, storing the files permanently on a hard disk in the computer. The programs, when executed by the computer, enable a pharmacist to store data gathered in connection with dispensing and selling pharmaceutical drugs. For example, data files can be maintained on prescriptions filled, patients, doctors, drugs, insurance plans. Core services or processes of such a practice management system include prescription filling, label printing, billing, reporting and data storage, including file maintenance, editing, and other housekeeping functions.

Pharmacist care processes **106** are used in connection with administration of healthcare services not rendered under the immediate supervision of a doctor, but which directly or indirectly benefit the health or quality of life of a patient. These processes include a program or collections of programs, or processes, for managing delivery of complementary care **108**, pharmaceutical care **110**, and disease management **112**. These programs are also executed by software running computer **202**. An example of commercially available software for system **106** is sold under the trademark ALPHA-CARE™ by Healthcare Computer Corporation of Fort Worth, Tex.

These care management services are generally known and thus will be only briefly described. The pharmaceutical care processes **110** facilitates implementation of strategies which attempt to utilize drug therapies more efficiently to improve a patient's quality of life and to effectively manage healthcare costs. For example, this would include patient counselling as mandated by statute and preparing notes or observations based on a subjective, objective, assessment planning protocol (S.O.A.P.). The disease management process **112** facilitates implementation of therapeutic protocols designed to improve a patient's health and well-being.

The complementary care process **108** enables defined healthcare related actions to be triggered under user-defined conditions during execution of a prescription filling process of practice management system **102**, or by one of the processes in the pharmacist care services management system **106**. This triggering is handled by linking process **104**, which receives data from both of the systems. These actions may include, for example, scheduling appointments with healthcare providers for monitoring lifestyle, health and disease states, recording interventions or prompting recommendations. They also may include issuing or printing coupons for drugs or other items, printing drug information and printing supplemental instructions relating to use of the drug.

Additionally, the pharmacy care services management system **106** includes a set of core services or processes **114** which are shared by the complementary care, pharmaceutical care and disease management processes. These core services include, for example, appointment scheduling for patients and billing functions for care services. Such services further include maintaining records kept in connection with monitoring of patients, notes and lifestyle information on patients such as information on smoking, drinking, exercise, past illnesses, injuries and operations. Also, the services will function to print documentation, supplemental instructions and coupons, as well as generate questionnaires for use in gathering information from patients for use in connection with the other processes.

Referring now to FIGS. **3***a*, **3***b*, and **4**, the triggering or linking process **104** (FIG. **1**) is illustrated in connection with refilling a prescription for a patient using the pharmacy management system **102** is running on computer **202**. The process starts and, at step **302**, requires the pharmacist to select a patient, doctor, a drug (identified by a NDC code), and method of payment. Separate tables are maintained in a database file(s) for storing data on the patients, the doctors, the drugs and the prescriptions. FIG. **4** illustrates the record structures for some of these tables which will be discussed in connection with the linking or triggering process. The pharmacist also enters, at step **302**, directions for taking the drug. The patient, drug, doctor, payment plan, fill data and directions are stored as a new record in a prescription record table **402** once the prescription process is completed. This new record is assigned a prescription number.

Beginning at step **304**, the practice management system begins a process of automatically checking for adverse interactions that the prescribed drug may have with other drugs previously dispensed to the patient or with alcohol and food, and for possible adverse reactions of the patient to the drug due to allergies to previously recorded conditions of the patient such as allergies. The drug conflict information is maintained in conflict table **410**. Since this process is well known, it will not be described here.

If, as indicated by decision step **306**, a conflict is detected, this conflict is displayed on the screen of the computer to the pharmacist. Additionally, at step **308**, a trigger record for the transaction is created in which the data items (i.e. the type and code or, in other words, field and value) associated with the particular prescription filing transaction are recorded, as well as any data items associated with the conflict. This trigger record will be subsequently compared with trigger table **412** to determine whether or not any of the data elements associated with the particular prescription filling

transaction are assigned triggers. For example, in the trigger record will be recorded the data items in the record for that patient found in table **404**, the data items for the lifestyle record for that patient found in table **406**, the data items for the drug found in drug record table **408**, and the data item(s) in the conflict table **410** giving rise to the conflict. Additionally, although not illustrated, the name of the doctor is also included, as well as any data items found in a record for the particular doctor.

The patient records are self-explanatory. As shown by data record structure **404**, each entry includes data items for name, age, allergies, disease states and other information such as address and telephone number (not shown). Lifestyle records, as represented by record structure **406**, includes data for answers to questionnaires answered by the patient. Answers may include information on whether the patient drinks, smokes or is overweight, and past injuries, diseases and illnesses. Drug records, as represented by drug record structure **408**, include the drug name or NDC code, generic class code, therapeutic class code and other information (not shown) such as manufacturer.

If no conflict is detected or found for the drug or prescription in the conflict table **410**, or if there is no interaction process required (if it is an over the counter purchase, for example), the pharmacist enters the number of labels to print at step **310**.

If a trigger record has not been created in step **308**, one is created at step **312** using the basic prescription data elements for patient, doctor, drug, and patient lifestyle information. At step **314**, the trigger record is compared to a trigger definition table **412** to determined whether there is a data item or a combination of data items to which there is assigned a trigger. The trigger definition table is user definable. In each trigger record of trigger definition table **412**, there is a type and a code entry for each data item which establishes a triggering event. For example, a data type may be a generic class of the prescribed drug and the code is the generic class code, labelled a "link" in FIG. **4**, for that drug. A second data item could be the patient's age. These data items will not necessarily be entered in the prescription record table for the particular transaction. However, the trigger record building or creation process will associate the data items recorded in the prescription table with the data items defined in the trigger table, as represented by the lines **416** drawn between the illustrated table record structures in FIG. **4**.

If a match is found, as indicated by step **316**, a patient care action record for the particular transaction is created in step **318**. If no match is found, then the routine proceeds to step **326** to determine whether the prescription can be completed. Step **318** involves looking up all patient care actions specified in the record of the matched trigger(s) in an action definition table **414**. This looking up is represented by line **418**, in which the action identifier in the trigger table is found in the care action table. Multiple actions may be specified. The details of the actions listed in the patient care action record are then automatically displayed in a queue to the pharmacist at step **320**. The structure of the action action definition table includes a table ID and level code. Multiple action tables may be maintained for use by other processes, such as those in the care management system **106** (FIG. **1**). Additionally, a description is provided for display. A predefined action type and instruction are entered for initiating the appropriate processes in the care management system **106**. Finally, a fee and note can also included for each action.

At step **322**, the pharmacist is given the option of initiating the patient care action(s), skipping them, or holding them for later initiation. If one or more of the care actions are initiated, appropriate processes in the pharmacy care services system **106** are automatically loaded and executed at step **324** in sequence for handling the initiated care actions. After the processes are loaded and executed, the process continues to step **326**. Also, if the pharmacist chooses not to initiate the actions, the process continues to step **326**.

At step **326**, if the prescription cannot be completed because, for example, a severe drug conflict is found, then the prescription process is stopped. However, if the prescription process is able to proceed, then a new entry for the transaction is written to the prescription record table **402** at this point. At step **328**, the trigger record is once again matched to the trigger table to determine whether there are any matches for records which are to be performed only after the prescription record is written. An indication of whether the action is for initiation before or after step **326** is included in the action definition table. If a match is found, as indicated by decision step **330**, an action record is created and the actions are displayed, initiated and executed in steps **332**, **334**, **336** and **338** in the same manner as steps **318**, **320**, **322** and **324**, respectively.

If no actions are initiated, if no match is found at step **330**, or upon completion of the execution of the last action by the care service system **106**, the practice management system **102** may submit a claim by modem if desired, as indicated by steps **340** and **342**. The final step **344** is printing labels for the drug packaging. Labels are printed whether the claim is submitted by modem, through step **342**, or not, as shown after step **340**.

Generally, any number of data elements can serve as triggers. Examples of possible triggers include: patient name, age, disease state, payment plan; doctor name; drug NDC, generic class, therapeutic class and manufacturer; refill date, instructions and ICD-9 code; and DUR conflict. Possible patient care actions that could be performed by pharmacy care management system **106** include the following. An appointment can be scheduled for monitoring a condition such as tests for blood pressure, breathing (asthma) and blood glucose levels (diabetes). A predefined batch process can be automatically run on the computer. The pharmacist can issue a coupon for a drug or other item in the pharmacy based on, for example, the disease state of the patient. Patient drug information can be printed as well as claim forms. An intervention can be recorded or an S.O.A.P. protocol performed in connection with, for example, patient counselling in the pharmaceutical care process or disease management process. A note can be entered, edited or displayed. Another program can be called. A rebate can be applied to the price of the drug. A claim can be submitted to an insurance company. Standard supplemental instructions, such as from a doctor, could be printed for the patient. A questionnaire can be initiated with which to collect lifestyle information, or a lifestyle management process initiated.

Referring to FIG. **5***a*, as already described, a prescription record having the structure **402** is created and kept in the database file(s) for the practice management system **102** each time a drug is dispensed. An example of the screen which creates this record is the new refill prescription screen **502**. The pharmacists enters certain information. The program will then look up additional details concerning the patient, drug, billing and doctor from database records such as those whose structures are shown in FIG. **4**, for example the patient records **402**, doctor records, drug records **404**, and billing records and display this information. In screen **502**, patient information is displayed in the area indicated by

bracket **504**, doctor information is displayed in the area indicated by bracket **506**, drug information is displayed in the area indicated by bracket **508**, drug pricing information is in the area indicated by bracket **510**, and billing information is indicated in the area indicated by bracket **512**. Instructions are entered in the area designated **514**. Some of these records can be edited or new entries made through a window in the screen. For example, diagnosis entry window **516** enables the pharmacist to edit or enter additional patient diagnosis codes stored in the patient records **404** (FIG. **4**). In this example, the patient disease code corresponding to high blood pressure has been assigned to the patient.

Referring to FIG. **5***b*, patient care action edit screen **520** is overlaid on the prescription refill screen **502** at steps **320** and **334** in FIGS. **3***a* and **3***b* by the triggering or linking system **104**. This patient care action screen includes patient information displayed in area **522** taken from the patient files maintained by the practice management system **102**. It lists in area **523** the title or descriptions of the actions in the action record created in steps **318** and **332**, as well as the fee charged by the pharmacy for those actions. These actions were triggered by the presence in this patient's record of a disease code for high blood pressure. The two actions are scheduling a weekly monitoring of blood pressure and printing a hypertension diet instruction sheet. Menu window **524** lists options from which the pharmacist may select from this screen: initiate all actions with a "y" or yes status, which is shown in column **523**, change the status of one or more of the actions, print the list or exit the screen.

Referring now to FIG. **5***c*, if the pharmacist selects the change status option, menu window **526** display the possible code options. "Y" indicates that the action be initiated when instructed. "I" means initiate the action immediately. "N" causes the action to skipped. And "D" closes the action. The screens of FIGS **5***b* and **5**ccorrespond to steps **322** and **336** of FIGS. **3***a* and **3***b*. Referring now to FIG. **5**d, if the initiate all option is selected from menu window **524** in FIG. **5***b*, the triggering or linking system **104** initiates the process specified by the first listed action, namely the patient scheduling process. Appointment information is entered through patient scheduling screen **528**. The patient information in the area indicated by bracket **530** is retrieved from the patient information records kept by the practice management system **102**. Data, time and frequency are entered. Additionally, as indicated by bracket **532**, up to five monitoring procedures may be entered on the screen to be performed by the indicated technician during each appointment. The blood pressure procedure is automatically entered by the program since that monitoring procedure was defined in the patient care action.

Now referring to FIGS. **6***a* through **6***c*, there is illustrated a process **600** for scheduling an appointment or initiating the execution of actions for the monitoring of one or more health aspects of a patient. Further, the process includes searching a trigger table and selecting an/or creating an action based on certain criteria (i.e the type of monitoring to be performed and/or data or other information about the patient (such as name, age, disease state, lifestyle condition) or other criteria (date, monitoring event).

Now referring to FIG. **6***a*, the process **600** begins at a starting point **602**. The process **600** is one of the core set of complementary care processes **108** which is either triggered by execution of a process in the pharmacy practice management system **102** or started by the user in pharmacist care service system **106**. At a step **604**, an appointment is scheduled or recorded by inputing information regarding the patient and the appointment, such as patient name, the pharmacist or technician to perform the monitoring test(s), appointment date and time, and the type of monitoring to be performed on the patient. As will be appreciated, numerous monitor types may be entered depending on the desired health service(s) of the patient to be monitored. Examples of some monitoring actions that may be scheduled include monitoring blood-sugar level, blood pressure and pulse rate, flow metering (for asthma sufferers), etc. and may include any other types of health monitoring as desired. After the appointment data is entered at the step **604**, the user verifies that the entered appointment data is correct and in the proper format at a step **606** before proceeding to the next steps.

After the step **606** is completed, a predefined trigger table stored as part of an informational database is searched according to the monitor type set forth in the scheduled appointment and/or according to the monitor type in conjunction with other data. In a step **608**, monitor type 1 entered in the step **604** is compared to a trigger table (not shown) for a match. At a step **610**, it is determined if a match is found. If a match between the monitor type and the trigger table is found, an action is identified and placed in the action queue at a step **612**. As will be appreciated, the action created may include actions such as to schedule another appointment, initiate a batch process, issue a coupon, print a claim form, enter, edit, display or print a note, call another program, submit a claim, initiate lifestyle management, record or initiate monitoring, S.O.A.P., printout supplemental data, key-in data, etc. As will be appreciated, one or more actions may be created for a given match with the entered monitor type. As an example, if a match occurred for the monitor type, one of the actions created may be to display to the user an action for printing out an appointment card for the patient listing (1) the name of the patient, (2) the type of monitoring action to be performed, (3) the location, date and time of the appointment and (4) any other information as deemed necessary or desired.

If no match was found in step **610**, or after creating the specified action at the step **612**, the process continues to a step **614**. In the step **614**, the monitor type (if the monitor type is equal to Monitor Type 2) entered in the step **604** is compared to a trigger table (not shown) for a match. At a step **616**, it is determined if a match is found. If a match between the monitor type and the trigger table is found, an action is identified and placed in the action queue at a step **618**. It will be understood, that the process continues searching the trigger table for all the monitor types that are entered in the step **604**. In FIG. **6***a*, the process **600** is shown searching for one or more of five possible monitor types in a series of steps to match the monitor types entered in step **604** (one or more may be entered, if the patient has, or desires an appointment for monitoring of more than one health aspect) with any corresponding actions set forth in the trigger table. As will be appreciated, the number of possible monitor types may be any number depending on the number desired.

After identifying and queuing actions corresponding solely to the entered monitor type, the trigger table is again searched to determine if any actions exist that correspond to a particular given monitor type cross-indexed with other information about the patient (such as name, age, disease state, lifestyle condition)) or other criteria (date, monitoring event). This other information or other criteria are referred to as data elements. The data elements have been previously entered into the database (i.e. patient name, age disease state, information on lifestyle, dates and monitoring events) or can be entered by the user at anytime. For example, an action or actions may be created according to the monitor type and the patient's age.

In a step **620**, the monitor type (if the monitor type is equal to Monitor Type 1) entered in the step **604** and the data element **2** (i.e. the patient's age meets some predetermined threshold) is compared to a trigger table (not shown) for a match. As such, an action is identified and created from the trigger table and placed in the queue if an action exists when the monitor type is monitor type 1 and the patient's age is, for example, greater than **65**. At a step **622**, it is determined if a match is found. If a match between the monitor type in conjunction with the data element **2** and the trigger table is found, an action is identified and placed in the queue at a step **624**. Again, the action created could be any of the actions as described above or others. If no match was found in step **622**, or after creating the specified action at the step **624**, the process **600** continues to search the trigger table for actions corresponding to the monitor type 1 in conjunction with data element 3, the monitor type 1 in conjunction with data element **4**, and so on, as shown in FIGS. *6a* and *6b*. In addition, the process **600** searches the trigger table for actions corresponding to the monitor type 1 and data elements **1** through **6**, the monitor type 3 and data elements **1** through **6**, and so on, as shown in FIGS. *6b* and *6c*.

After all monitor types are searched (with and without data element criteria), it is determined at a step **650** whether any actions were identified and placed in a queue. If not, the process returns to the start so that other actions may be performed by the user. If one or more actions are created, the actions are displayed to the user at a step **652**. Further, the actions may be initiated by the user at a step **654** and executed at a step **656**. If the user chooses not to initiate the action actions at step **654**, the process returns to start.

Now referring to FIGS. *7a* and *7b*, there are illustrated examples of a screen output (displays) associated with the process **600**. Now referring to FIG. *7a*, there is illustrated a typical patient appointment data screen. The screen is generally displayed on request by the user when a patient arrives for a monitoring procedure or when a patient needs to be scheduled for an appointment. As shown in FIG. *7a*, the screen contains patient information, the name of the pharmacist/technician, appointment time and date, next appointment time and date, and monitor type (monitoring procedure) shown as BP (blood pressure monitoring). After the user verifies that all the entered information is correct, the process **600** searches the trigger table according to the above described process and any actions that are created will be identified to the user.

Now referring to FIG. *7b*, there are shown examples of displayed actions created by the process **600**. As shown, three actions were created: (1) hand out worksheet #1, (2) schedule next appointment and (3) check and record blood pressure and pulse. Once displayed, the actions can be initiated by the user, i.e. step **654**. If initiated, the user can then execute, i.e. step **656**, the specific action initiated. As will be appreciated, the process **600** of the present invention may be used alone as a complementary care service and/or used in conjunction with other complementary care services or the management system **102**.

Although the present invention and its advantages have been described in the foregoing detailed description and illustrated in the accompanying drawings, it will be understood by those skilled in the art that the invention is not limited to the embodiment(s) disclosed but is capable of numerous rearrangements, substitutions and modifications without departing from the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

1. A data processing method for managing delivery of healthcare services comprising the steps of:

executing a first process in a specially programmed data processing system having an electronic memory for recording a plurality of predefined data items obtained from an outside source, the data items associated with dispensing pharmaceutical drugs in a prescription-based transaction;

determining whether a trigger stored in the electronic memory of the data processing system is associated with the plurality of data items in response to using the prescription-based transaction; and

executing a second data process for use in connection with providing a healthcare-related action that improves an effectiveness of a drug therapy, the healthcare-related action identified by the trigger.

2. The data processing method of claim **1** where in the step of executing a second data process further comprises the steps of:

queuing the healthcare-related action identified by the trigger in response to an input of the user to the prompt;

providing selection by a user of the healthcare-related action for execution by the second data process; and

engaging the healthcare-related action in response to the selection of the healthcare-related action by the user.

3. The data processing method of claim **1** wherein the healthcare-related action includes monitoring a condition of the patient with a healthcare giver.

4. The data processing method of claim **1** wherein the outside source is a database.

5. The data processing method of claim **1** wherein the outside source is a user entering in the data items into the data processing system.

6. The data processing method of claim **1** wherein the first process comprises a pharmacy practice management system for dispensing pharmaceutical drugs in a prescription-based transaction.

7. The data processing method of claim **1** wherein the healthcare-related action comprises a care management system.

8. A data processing method for managing delivery of healthcare services comprising the steps of:

executing a first process in a specially programmed data processing system having an electronic memory for recording a plurality of predefined data items obtained from an outside source, the data items associated with dispensing pharmaceutical drugs in a prescription-based transaction;

determining whether a trigger stored in the electronic memory of the data processing system is associated with the plurality of data items in response to using the prescription-based transaction; and

executing a second data process for use in connection with providing a healthcare-related action that improves an effectiveness of a drug therapy, the healthcare-related action identified by the trigger, and the second data process prompting a user to engage the healthcare-related action.

9. The data processing method of claim **8** wherein the step of executing a second data process further comprises the steps of:

queuing the healthcare-related action identified by the trigger in response to an input of the user to the prompt; and

engaging the healthcare-related action identified by the trigger in response to the selection by the user of the healthcare-related action identified by the trigger.

10. The data processing method of claim 8 wherein the healthcare-related action includes monitoring a condition of the patient.

11. The data processing method of claim 8 wherein the outside source is a database.

12. The data processing method of claim 8 wherein the outside source is a user entering in the data items into the data processing system.

13. The data processing method of claim 8 wherein the first process comprises a pharmacy practice management system for dispensing pharmaceutical drugs in a prescription-based transaction.

14. The data processing method of claim 8 wherein the healthcare-related action comprises a care management system.

15. A computer system for managing delivery of healthcare services comprising:

means for recording a plurality of predefined data items from an outside source, said plurality of predefined data items associated with dispensing pharmaceutical drugs in a prescription-based transaction;

means for determining whether a trigger stored in the computer system is associated with said plurality of predefined data items in response to using said prescription-based transaction; and

means for responding to said trigger with a healthcare-related action that improves an effectiveness of a drug therapy.

16. The computer system of claim 15 wherein said healthcare-related action displays a prompt for a user to engage said healthcare-related action, said prompt for requiring a response from said user.

17. A method for improving the effectiveness of a drug therapy, the method comprising the steps of:

providing a pharmacy practice management system executable on a computer, the pharmacy practice management system having at least one set of predefined data items associated with a patient, the at least one set of predefined data items being associated with dispensing pharmaceutical drugs in a prescription-based transaction;

triggering a care service process with respect to an interaction of a prescription with the at least one set of predefined data items associated with the patient, the care service process providing an increased effectiveness of the prescription in treating the patient; and

administering the care service process on behalf of the patient.

18. The method for improving the effectiveness of a drug therapy of claim 17, wherein the care service process is a process of intervention on behalf of the patient.

19. The method for improving the effectiveness of a drug therapy of claim 17, wherein the set of predefined data items includes at least one medical history data item.

20. Apparatus for improving the effectiveness of a drug therapy comprising:

a computer system having a pharmacy practice management system executable on said computer system, said pharmacy practice management system having at least one set of predefined data items associated with a patient, said at least one set of predefined data items being associated with dispensing pharmaceutical drugs in a prescription-based transaction; and

a care service process linked with said pharmacy practice management system and executable on said computer system, said care service process triggered in response to an interaction of a prescription with said at least one set of predefined data items associated with the patient, said care service process providing an increased effectiveness of the prescription in treating the patient by providing an additional treatment complementary to said prescription.

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JS 44 (Rev. 10/06)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

2007 JUL 26 PM 2:58

CLERK OF COURT

I. (a) PLAINTIFFS
William Rex Akers

DEFENDANTS
LeveragePoint Media Corp. d/b/a Rx EDGE

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Marshall M. Searcy, Jr./Michael D. Anderson, Kelly, Hart & Hallman LP, 201 Main St., Ste. 2500, Ft. Worth, TX 76102 (817) 878-3506

Attorneys (If Known)
4-07CV-436-Y

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 310 Airplane	☐ 362 Personal Injury - Med. Malpractice	☐ 620 Other Food & Drug	☐ 423 Withdrawal 28 USC 157	☐ 410 Antitrust
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 365 Personal Injury - Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881		☐ 430 Banks and Banking
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability	☐ 630 Liquor Laws	PROPERTY RIGHTS	☐ 450 Commerce
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	PERSONAL PROPERTY	☐ 640 R.R. & Truck	☐ 820 Copyrights	☐ 460 Deportation
☐ 151 Medicare Act	☐ 340 Marine	☐ 370 Other Fraud	☐ 650 Airline Regs.	☒ 830 Patent	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 660 Occupational Safety/Health	☐ 840 Trademark	☐ 480 Consumer Credit
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 690 Other		☐ 490 Cable/Sat TV
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	LABOR	SOCIAL SECURITY	☐ 810 Selective Service
☐ 190 Other Contract	☐ 360 Other Personal Injury		☐ 710 Fair Labor Standards Act	☐ 861 HIA (1395ff)	☐ 850 Securities/Commodities/ Exchange
☐ 195 Contract Product Liability			☐ 720 Labor/Mgmt. Relations	☐ 862 Black Lung (923)	☐ 875 Customer Challenge 12 USC 3410
☐ 196 Franchise			☐ 730 Labor/Mgmt.Reporting & Disclosure Act	☐ 863 DIWC/DIWW (405(g))	☐ 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	☐ 740 Railway Labor Act	☐ 864 SSID Title XVI	☐ 891 Agricultural Acts
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate Sentence	☐ 790 Other Labor Litigation	☐ 865 RSI (405(g))	☐ 892 Economic Stabilization Act
☐ 220 Foreclosure	☐ 442 Employment	Habeas Corpus:	☐ 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS	☐ 893 Environmental Matters
☐ 230 Rent Lease & Ejectment	☐ 443 Housing/ Accommodations	☐ 530 General		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 894 Energy Allocation Act
☐ 240 Torts to Land	☐ 444 Welfare	☐ 535 Death Penalty		☐ 871 IRS—Third Party 26 USC 7609	☐ 895 Freedom of Information Act
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 540 Mandamus & Other			☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	☐ 550 Civil Rights			☐ 950 Constitutionality of State Statutes
	☐ 440 Other Civil Rights	☐ 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:

VI. CAUSE OF ACTION Brief description of cause: Patent infringement under 35 U.S.C. § 1; Jurisdiction under 28 U.S.C. §§ 1331 and 1338

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23 **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** ☒ Yes ☐ No

VIII. RELATED CASE(S) PENDING OR CLOSED (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE July 26, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # FW384 AMOUNT 350 APPLYING IFP _____ JUDGE Y MAG. JUDGE _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Civil Filing Notice - Fort Worth Division

CIVIL ACTION NO: 4-07CV-436-Y

This case has been assigned to District Judge: _____

(Complete if applicable)
TRANSFERRED FROM: _____ DATE FILED: _____

Civil cases are assigned to a judge by random draw. A docket clerk for each judge maintains the recording of documents filed with the Clerk. A complete list of phone numbers for both the judges' chambers and the docket clerks is provided.

Judge	Court Settings	Pleadings Filed
(A) Judge John H. McBRYDE	(817)850-6650	(817)850-6611
Even Cases: 850-6652 Odd Cases: 850-6653		
(Y) Judge Terry R. MEANS	(817)850-6673	(817)850-6612
(BE) Magistrate Judge Charles BLEIL	(817)850-6690	(817)850-6697

For access to local rules, attorney admission information, frequently asked questions, common forms, filing instructions, and records information, please visit our web site at **www.txnd.uscourts.gov**. To speak to someone in the district clerk's office, please call (817) 850-6601.

To receive electronic access to court docket sheets and filed documents, contact the PACER Service Center at **www.pacer.pcs.uscourts.gov** or by phone at 1-800-676-6856 for a log-in and password.

Information is attached regarding trials by a United States magistrate judge, receiving electronic notice, and the court's privacy policy.